IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.75953 -M of 2006

DATE OF DECISION: DECEMBER 4, 2006

Lachi Ram

...PETITIONER

VERSUS

The State of Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vijay K.Jindal, Advocate,
for the petitioner.

...

The petitioner, who is the complainant, has filed this petition under Section 482 Cr.P.C. for issuing direction to the respondents to transfer the investigation in case FIR No.123 dated 7.8.2006 registered under Sections 409/420/506(2), 120-B IPC at P.S.Kunjpura.

It has been stated that in spite of dismissal of the anticipatory bail application, the accused in the aforesaid FIR have not been arrested. Merely on this ground, it has been inferred that the police is not investigating the matter fairly, though no mala fide has been alleged against the local police. In my opinion, no direction for arrest of a particular accused can be issued as has been held by the Supreme Court in M.C.Abraham and another v. State of Maharashtra and others, (2003) 2 SCC 649,as it is for the police to see when to arrest an accused. Since no mala fide has been alleged against the local police, the issuance of the aforesaid direction will amount to unnecessary interference in the fair investigation of the matter.

Dismissed.

December 4, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE